App. F. IX-4

Previous References.

1941.
(CS)

File No. 17-41
Serial Nos. 2, 6, 8, 9, 13
14.

Later References.

PRESERVED

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. 6

Part B for March 42

SUBJECT.

Disqualifying legal practitioners appearing on behalf of the societies

Sl 13)

To
The Compiler, Mysore Gazette
Notification No. A-7 ~~12-96~~ 309 dated 19-12-41
Publishing Rule 37 ——— under certain conditions

General and Revenue Secretariat | 65 File No. 17 of 1941. | [App. F. III-2

Serial No.

Letter No 2003 dated 16-8-41 from the Registrar of Co. recommending the framing of a rule disqualifying legal practitioners appearing on behalf of the societies otherwise than in an honorary capacity, from continuing as the committee of management of such societies

1) The framing of the rule had the approval of the Banking Advisory Committee of Government. Submitted for orders whether the proposed rule may be published and objections called for

No dtd 20/8/41

2) The Law Secretary may perhaps be consulted & then the rule published

(Genl Secy) 21/8

GENERAL SECRETARIAT 21 AUG. 1941 1018

3) May be published & objections if any, called for.

(Hon Minister Transport Law &) 22/8/41

OFFICE OF THE MINISTER FOR EDUCATION Date 27/8/41 No 1434

4) Hon 22/8/41 21/8

5) JM 2 28.8.41 29/8

TYPING - 8 SEP. 1941 Fin. & Rev.

29/8/41

29/8

6) Draft notification submitted for orders

No dtd 11/9/41

7) Where is Rule 36? When was it framed? I don't see mention in the Manual. Explain & return

NOTE—Comptn. Registrar

8) Done 6/9

607/1653/167a

File No. 17 of 1941.	General and Revenue Secretariat

Serial No.	
6	17.9.41. Despatch to the Compiler, C.L.R. notifies a draft Rule 2 regarding Legal Practitioners in certain Districts.
	18.9.41. Copy to the Registrar, C.S. for info.
6	Letter No. 2633 dated 12-11-41 from the Secretary, the City Coop. Bank Ltd. Negombo objects to the framing of the rule 3)
9	Letter No. 4889 dated 10-11-41 from the Secretary, the Negombo Co-op. Urban Bank objecting to the framing of the rule

GEN. SCOTT. 10 NOV 1941 ADMI. & FOREIGN BRANCH.

a) The City Co-op. Bank, Negombo have objected to the framing of the rule prohibiting legal practitioners appearing on behalf of Bank Societies on the ground that that Committee members are legal practitioners & in a better position to represent the case by obtaining full instructions from the Society, that the honorary nature of the service should be left to the discretion of the Society, that the employment of a legal practitioner, whereby the Committee would get the Society more paid, that the rule places a disability on some of the local practitioners to be on the Committee, and that the Society will have to take Bank's file and entrust the same to them entailing additional cost on the Society.

b) Submitted for orders whether the Registrar may unofficially be consulted on the objections raised.

24/11/41. 24/11

c) If approved, the Registrar will be consulted unofficially, on the objections put forth by the Secretary

General and Revenue Secretariat | File No. 674 607 of 194 | 1653 | [App. F. III-2

Serial No.

City cooperative Bank Ltd. Mysore to the proposed Rule

GENERAL SECRETARY 28 NOV 1941 3362

Genl Secy) 28/11/41

No. No 47 89 of 29/11/41. 28/11

Forwarded with compliments to the Registrar of Cooperative Societies for favour of remarks on the objections put forth and early return

B-O

28-11-41 for Genl Secy

Office of the Registrar of Co-operative Societies 29 NOV. 1941 No 3385

No 62754 M 5.12.41 / Web / file.

Returned with compliments.

(1) The Bank has used the expression 'legal adviser' while in the proposed rule the words 'legal practitioner', appearing as such in a suit or proceedings to which the society is a party, are used. A committee member (who is a legal practitioner) being a legal adviser to the society is not prohibited under the proposed rule. The society can have all the benefit of advice from the legal practitioner committee members But when the committee member legal practitioner appears on behalf of the society in any suit or other legal proceedings and is paid for his services by the society he becomes a servant or agent of the society for the time being and it therefore follows that he cannot be

NOTE—Contn. Sheet

Serial No.

on the committee.

(b) So far as disputes before the officers of the Department or arbitrators are concerned, Rule 16 Clause (iii) of the Mysore Co-operative Societies Rules preclude any legal practitioners appearing as such and representing the parties to the dispute. It is only in respect of proceedings in civil and revenue courts that the parties may be represented by legal practitioners. The proposed Rule prohibits committee member legal practitioners representing parties before these tribunals.

(c) It is urged that the society will be forced to engage a costly legal counsel for the conduct of the societys cases if the committee member legal practitioners are prevented from representing the society. This is not correct. Lawyer's fees is fixed and the society need not - should not - pay more than the scheduled rates. Evidently the lawyer committee members have some personal and vested interests in getting disputes transferred to the civil courts. The Rule will prevent the vested interests from assuming undue proportions to the detriment of the best interests of the society. The representation that by this Rule, the legal practitioners will not serve on committees and thereby the societies will lose the benefit of the services of the lawyers on the committees, is, I am afraid, a very poor compliment to the spirit of service of lawyers.

It is urged that cases of societies which are at present handled by legal practitioner committee

1674 1653

OFFICE OF THE REGISTRAR OF CO-OPERATIVE SOCIETIES IN MYSORE.

members will have to be transferred to other lawyers and the societies will have to pay fees afresh. This argument also is hollow. The society has already paid the fees to the lawyer committee member and there is thus a contract between the two for the conduct of the case. He is therefore bound to conduct the case and cannot, on the ground of this Rule, retire. If he retires he will have to refund the fees already received by him or he will have to make proper arrangements for the conduct of the case or give up his committee membership.

15) Such a rule has been in force in Madras and the introduction of the Rule is desirable and necessary to purge the movement of "the elements of short-sighted patronage, and elements of intrigue".

GENERAL SECRETARY. 6 DEC. 1941

Registrar
of Co-operative Societies.

16) In the light of the above Unofficial note of the Registrar, the rule as notified may perhaps be approved and issued

(Govt Secy) 6/12

GENERAL SECRETARY. 6 DEC. 1941

J.S.23

OFFICE OF THE MINISTER FOR EDUCATION
Date 9.12.41
No. 3186

(Edn Minister) 17) 7/12

18) 12-12-41 8/12

13/12 13/12

1674 1683/AF 2207/41

General and Revenue Secretariat | File No. 17 of 1941. | App. F. III—2

Serial No.	
19)	Draft notification & Rules for above Sd 19/12/41 16/12
	20) Issue Sd 18/12
13	Notfn No AF 3098 dated 19-12-41 publishing the Rule 39 disqualifying legal practitioners from the Committee of management of Cl. VIII certain cases
1	Memo No AF 3099 dated 19-12-41 to the Secretary CA forwarding copy of the notification
14	Letter dated 16th & 18th Dec 41 from Mr. M. P. Ramachandra Advocate forwarding his objections to the proposed rule
	21) The notification framing the rule has already been issued the last date of receiving the objections being the 20th Nov 41 Nothing can be done now on the letter of Mr. Ramachandra Nair. This will have to be filed Sd. 20/12/41. 22/12/41
	22) Issue Sd 23/12/41

GEN. REV. SECTT. 12 DEC. 1941

GEN. REV. SECTT. 22 DEC. 1941 AGRL. & FOREST BRANCH.

GEN. AGRL. & FOREST BRANCH

NOTE—Contn. Sheet.

WD 04155—GPB—55,000—23-10-41

607
A-7

No. 2003 C.S.

GOVERNMENT OF MYSORE.

DEPARTMENT OF CO-OPERATION

Telegraphic Address
"CO-OPERT"
Bangalore.

OFFICE OF THE REGISTRAR OF CO-OPERATIVE SOCIETIES
IN MYSORE, C.S. 17-41-2

Dated Bangalore, 16th August 1941

FROM

M. ABDUL HUKH, ESQ., B.A.,
Registrar of Co-operative Societies in Mysore,
BANGALORE.

To

GENERAL SECRETARY
18 AUG. 1941
C.S.

GEN. & REV. SECTT.
18 AUG. 1941
AGRI. & FOREST BRANCH.

J. Appaji Gowda, Esqr., B.A., (Hons),
General Secretary to Government of
Mysore, B a n g a l o r e.

Sir,

I have the honour to forward, herewith an extract from the proceedings of the first meeting of the Standing Advisory -- Committee of Co-operators held on 23-6-1941 in the matter of the addition of a rule disqualifying legal practitioners appearing on behalf of the societies, otherwise than in an honorary capacity, from continuing on the committees of management of the societies, and to state that for reasons mentioned in proceedings, the framing of such a rules is very desirable. I therefore recommend that the following new rule may be framed under section 44 (2) (g) of the Act.

Rule 37. Any officer or member of the committee of a Society who appears as a legal practitioner (i) against such society or (ii) otherwise than in an honorary capacity, on behalf of such society, shall be deemed to have vacated his office or ceased to be on the committee of such society.

I have the honour to be,
Sir,
Your most obedient servant,

Abdul Hukh

Registrar.

jsp.14/8.

Extract from the proceedings of the first meeting of the Standing Advisory Committee of Co-operators held on 23-6-1941.

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11. Subject No.4.- Proposal for the addition of a rule 37 as follows:-

"Any officer or member of the committee of a society who appears as a legal practitioner (1) against such society or (2) otherwise than in an honorary capacity, on behalf of such society, shall be deemed to have vacated his office or ceased to be on the committee of such society".

The Registrar explained the necessity for the proposal, He said that complaints have been received that directors of societies, who are legal practitioners, take undue advantage of their position and make societies enter into unnecessary and costly litigation, taking fees from the societies and appearing on their behalf and that the proposal has been made to place the directors above reproach and give no room for complaints of this nature.

Mr. Jayathirthachar observed that the proposed rule is a very healthy one but ~~though~~ thought that it would be advantageous to the societies if the rule is not made applicable to cases already in the hands of legal practitioner directors.

Mr. Vasudeva Murthi stated that the proposed rule may be brought into operation without any reservation.

The proposal was unanimously adopted.

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jsp.16/8.

For Registrar.

Appendix F G—1]

SUBJECT.....

.....

.....

Section 65

File No. 17-41

Serial No. 6

No. A 71296

Diary No. of letter replied to.....

General and Revenue Secretariat

( )

the *193* .

Date of issue 10-9-41

Signed by DR JAG

draft

List of enclosures.....

Copied by.....

Examined by.....

Notification

In exercise of the powers vested in them under Section 44 (2) (9) of the Mysore Co-operative Societies Act VII of 1918 as amended from time to time, the Govt of H.H. the Maharaja of Mysore are pleased to publish for general information the following rule disqualifying legal practitioners appearing against the society or on behalf of the societies, otherwise than in an honorary capacity, from continuing on the committee of management of such societies.

Any objections or modifications to the proposed rule may be forwarded to the General Secretary to Government within two months from the date of publication of this notification in the Mysore Gazette after which the rule will be taken up for consideration

Any objection received after the due date will not be considered

(Here enter the rule number in brackets in P. O.)

B.O

for Secretary

To The Controller, Government Gazette Publication in Part IV of the Gazette in English and Kannada with the requisite 50 copies of each of the publication may be sent to the Registrar (Judicial) and 25 copies of each to this office.

Memo No. A 21297 Dt 13-9-84

Copy of the above is forwarded with compliments to the Registrar (Judicial) for information with reference to his letter No 2008/Jus. Dated 16-18-84

B. O

for Secretary

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE.

No. A 71296 / CS 17-41-6

General and Revenue Secretariat,

Dated Bangalore, 12th September 1941.

NOTIFICATION.

In exercise of the powers vested in them under Section 44(2)(g) of the Mysore Co-operative Societies Act VII of 1918 as amended from time to time, the Government of His Highness the Maharaja of Mysore are pleased to publish for general information the following draft rule disqualifying legal practitioners appearing (against the Societies) on behalf of the Societies otherwise than in an honorary capacity, from continuing on the Committees of Management of such societies.

Any objections or modifications to the proposed rule may be forwarded to the General Secretary to Government within two months from the date of publication of this notification in the Mysore Gazette after which the rule will be taken up for consideration.

Any objection received after the due date will not be considered.-

Rule 37. Any officer or member of the committee of a Society who appears as a legal practioner (i) against such Society or (ii) otherwise than in an honorary capacity, on behalf of such society, shall be deemed to have vacated his office or ceased to be on the committee of such Society.

By Order,

Sd. J. Appáji Gowda

General Secretary to Government.

To

The Compiler, Mysore Gazette for publication in Part IV of the Gazette in English and Kannada with the request that 50 copies of each of the notification may be sent to the Registrar of Co-operative Societies and 25 copies each to this office

Aga/12.

P.T.O.

Memo No. 7129 Dated, Bangalore the Sept. 1941

Copy of the above is forwarded with compliments to the Registrar of Co-operative Societies in Mysore for information with reference to his letter No.2803 C.S. dated 16th August 1941.

By Order,

General Secretary to Government.

NOTIFICATION.

No. A. F. 1296—*C. S.* 17-41-6, *dated Bangalore, the* 13*th September* 1941.

In exercise of the powers vested in them under Sections 44 (2) (*g*) of the Mysore Co-operative Societies Act VII of 1918 as amended from time to time, the Government of His Highness the Maharaja of Mysore are pleased to publish for general information the following draft rule disqualifying legal practitioners appearing against the Society or on behalf of the Societies otherwise than in an honorary capacity, from continuing on the Committees of Management of such societies.

Any objections or modifications to the proposed rule may be forwarded to the General Secretary to Government within two months from the date of publication of this notification in the *Mysore Gazette*, after which the rule will be taken up for consideration.

Any objection received after the due date will not be considered.

Rule 37.—Any officer or member of the committee of a Society who appears as a legal practitioner (i) against such Society or (ii) otherwise than in an honorary capacity, on behalf of such society, shall be deemed to have vacated his office or ceased to be on the committee of such Society.

By Order,

J. APPAJI GOWDA,

Secretary to Government,
General Department.

Printed by the Superintendent at the Government Press, Bangalore.

1653

The City Co-operative Bank, Limited, Mysore.

Established in 1910

NEW CURZON PARK ROAD,
MYSORE.

All Communications to be addressed to "THE HONORARY SECRETARY"

In reply please quote No. 2633

Dated, 31-10-41

C.S.17-41-8

GEN. & REV. SECTT. 13 NOV. 1941 AGRI. & FOREST BRANCH.

From

The Honorary Secretary,
City Co-operative Bank,Ltd.,
Mysore.

To

The General Secretary to
the Government of H.H.the Maharaja of Mysore,
Bangalore.

GENERAL SECRETARY 13 NOV 1941

Re:-Objection to the proposed Rule No.37 published in the Mysore Gazette dated 13th Sept.1941. No.A.F.1296 C.S.17-41-6,dated Bangalore, the 13th September 1941.

Sir,

It is no doubt a desirable Rule that any officer or member of a Committee of a Co-operative Society should not appear as a Legal practitioner against such Society. But it would not be desirable to frame a rule to the effect that an Officer or a member of a society who appears as a Legal practitioner against such society or on behalf of such society otherwise than in an honorary capacity shall be deemed to have vacated his office or ceased to be on the Committee of such society.

The following are some of the reasons among others as to why this Rule is undesirable:-

1. The advantages of choosing the legal advisor of a society from among one of the officers or members of the Committee of Management are greater as against the disadvantages if any. The legal advisor who is also a member of the Committee would be in a better position than an outsider to take full instructions by the concerned society and give legal assistance.

The City Co-operative Bank, Limited, Mysore.

Established in 1910

All Communications to be addressed to "THE HONORARY SECRETARY"

In reply please quote No.

14 NEW CURZON PARK ROAD,
MYSORE,

Dated, 31-10-41

2. As regards the honorary nature of the legal advisor, it must be left to the financial condition of each society to have either an honorary legal advisor or paid legal advisor. If we once concede that a member of the Committee of Management or an officer of the Society could appear on behalf of the society as a legal practitioner there is no force or reason in insisting upon such legal advisorship being an honorary one.

3. The latter portion of the Rule adverted to above would place the society in a disadvantageous position in as much as it would have to go in search of a costly legal advisor who is not on the Committee of Management as a member of the Committee would in many cases be prepared to render free advice and receive only scheduled fee allowed by Courts of Law. If an independent advocate has to be selected as legal advisor by a society, by virtue of this Rule, the legal practitioner would generally charge for all legal advice and miscellaneous work that he may be asked to render for the society.

4. This Rule would, therefore, make the position of a society financially worse. If on the other hand the Board of Management would be given a free choice in the matter to select any legal advisor without the restriction of its being honorary, and of choosi among the members of the Committee of such society, it could select one of its own legal advisor to render all the legal assistance for a small honorarium or for payment of any fee tha t the Board of Management may be pleased to grant.

The City Co-operative Bank, Limited, Mysore.

Established in 1910

All Communications to be addressed to "THE HONORARY SECRETARY"

In reply please quote No.....

NEW CURZON PARK ROAD,
MYSORE,

Dated, 31-10-41

5. This rule would act as a disability for some of the legal practitioners to be on the Committee of Management and be its legal advisors as well. The Board of Management would then be deprived of this valuable section of the members of the society as this rule would act as a disqualification in such cases to stand for the Directorate.

6. If the Rule comes into operation, the societies will have to take back the files from the existing legal advisors if they happen to be on the Board of Management and entrust them to differen legal advisors and pay them fees again. This would mean additional expenditure and financial loss to the concerned society as the additional fees paid would not be recoverable.

It is, therefore, submitted that this portion of the rule may not be passed but it may kindly be dropped.

I have the honour to be
Sir,
Your most obedient Servant.

TGV.

~~Chairman of the Committee.~~

ESTD. 1906

THE MYSORE CO-OPERATIVE SOCIETY, Ltd.,

GANDHI SQUARE, MYSORE.

1674

IN REPLY PLEASE QUOTE NO. 4889

Dated 10th November 41 193

C.S. 17-4-9

SECY. LAW DEPT. 14 NOV. 1941 GOVT OF MYSORE

GEN. & REV. SECTT. 14 NOV. 1941 AGRI. & FOREST BRANCH.

To

The General Secretary

to Government, Local Self Government Department,

BABGALORE.

GENERAL SECRETARY. 14 NOV 1941

Sir,

Re: Draft rules under the Mysore Co-operative Societies Act VII published in the Mysore Gazette dated 18th Sept.41

i. Rule No.37 - disqualifying legal practitioners appearing against the Society or on behalf of the Societies otherwise than in an honorary capacity, from continuing on the Committee of of such Societies.

2. Rule 6 (f) - addition of exception to this rule.

3. 14 (1) substitution for the existing rule 14 (1).

I have the honour ~~We beg~~ to inform you that the Managing Committee have resolved to the effect that they are agreeable to the modifications proposed to the above rules.

Thanking you.

I have the honour to be,
Sir,
Your most obedient servant,

Lakshmanachetty

HONORARY SECRETARY. 10/11

NKS.

TELEGRAPHIC ADDRESS :
"ORIENTAL". BANGALORE.

TELEPHONE No. 101.
POST BOX No. 56.

ORIENTAL GOVERNMENT SECURITY LIFE ASSURANCE CO. LTD.

(INCORPORATED IN INDIA, 1874)

HEAD OFFICE BOMBAY.

17

ADDRESS ALL COMMUNICATIONS TO THE BRANCH SECRETARY, AND QUOTE NUMBER OF LATEST POLICY.

BRANCH OFFICE FOR
MYSORE STATE & COORG.
ORIENTAL BUILDINGS,
SOUTH PARADE,

BANGALORE, 12th Novr. 1941

The General Secretary,
Local Self Government, Public Offices,
Bangalore.

Dear Sir,

We enclose herewith a cover wrongly delivered to us by the Postal authorities and opened by us through a mistake.

Yours faithfully,

Branch Secretary.

AVS

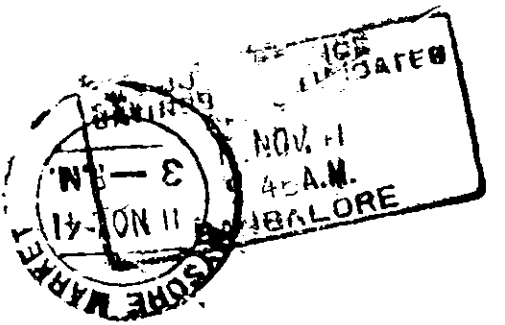
THE MYSORE CO-OPERATIVE SOCIETY, LIMITED,

GANDHI SQUARE, MYSORE.

SERVICE UN-PAID.

To

The General Secretary
To The Government
Local self-Government
Public offices
Bangalore



Appendix F G—1]

SUBJECT... ... 10 C/L.D

...

...

Section 65

File No. 19-61

Serial No. 13

No. A7.3098

Diary No. of letter replied to..... .....

General and Revenue Secretariat

( )

the *193* .

Date of issue 19-12-61

Signed by JMJ-PLG

List of enclosures... ... ...

Copied by.....

Examined by.....

Notification

In exercise of the powers vested in them under Section 44(2)(g) of the Cooperative Societies Act VII of 1948 as amended from time to time, the Court of H.H. the Maharaja of Travancore are pleased to frame the following rule disqualifying legal practitioners appearing against the Cooperative Society. Society or on behalf of the Co-operative society otherwise than in an honorary capacity, from continuing on the Committees of management of such societies

Rule 37: Any office or member of the Committee of a Society who appears as a legal practitioner (1) against such society or 2) otherwise than in an honorary capacity on behalf of such society, shall be deemed to have vacated his office or ceased to be on the

Committee of Management of
Such Society
20

B. O

Secretary

To the Controller Printing Stationery for
publication in Part IV of the Gazette
in English and Kannada with the
request that 250 copies of each of
the notification may be sent to the
Registrar of Cs. and 100 copies each
to this office

Memo A7 3099 Dt 19-12-41

Copy of the above is forwarded with
Compliments to the Registrar of Cs.
for information

B. O

for Secretary

Dr

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE.

No. A 7 3098
RS 17-41-13

General and Revenue Secretariat.

Dated Bangalore, 19-12-41

NOTIFICATION.

In exercise of the powers vested in them under section 44 (2) (g) of the Co-operative Societies Act VII of 1918 as amended from time to time, the Government of His Highness the Maharaja of Mysore, are pleased to frame the following ~~scale~~ rule disqualifying legal practitioners appearing against ~~the~~ a Co-operative Society or on behalf of ~~the~~ a Co-operative Society otherwise than in an honorary capacity, from continuing on the Committees of management of such societies:

Rule 37 - Any officer or member of the Committee of a society who appears as a legal practitioner (1) against such societies or (2) otherwise than in an honorary capacity on behalf of such society, shall be deemed to have vacated his office or ceased to be on the Committee of such society.

By order,

Jr General Secretary to Government.

To

The Compiler, Mysore Gazette, for publication in Part IV of the Gazette in English and Kannada, with the request that 250 copies of each of the notification may be sent to the Registrar of Co-operative Societies in Mysore and 100 copies each to this office.

P.H. - 10

22 1/1

M. P. Somasekhara Rao, Esq., B. A., LL. B.,
Advocate, No. 261 Chickkapet

GEN. & REV. 19 DEC. 1941 & FOREST BR

Bangalore City,
Date. 16-12-41.

To

The Law Secretary to the Government of Mysore,
Government Secretaret,
BANGALORE.

GOVT. LAW DEPT. 19 DEC. 1941 GOVT OF MYSORE
GENERAL SECRETARIAT 19 DEC 1941

Dear Sir,

With reference to Notification No. A F 1926 - C. S. 17-41-6 dated 13-9-41 published inthe Mysore Gazettee dated 13-9-1941 I beg leave to point out that the proposed Rule 37 of the Co-operative Societies Rules would lead to certain difficulties. It is always advantageous for a Co-operative Society to entrust its legal work to some experienced lawyer who possesses a thorough knowledge of its working. It is open to a Society to select a competent lawyer who for the time being is not one of its officers and is not a member of its Committee. It is hardly unreasonable to expect honorary work in such cases. The proposed rule would prevent a lawyer who might have accepted a paid engagement from the Society while he was not an officer of the Society or ~~its~~ member of its Committee from entering its Committee of management merely because he could not discontinue appearing for the Society in fulfilment of such engagement. It could be hardly in the interests of the Societies that experienced members should be thus excluded from the Committee of management.

I concede that it is desirable that those responsible for the management of the Society should be prevented from creating professional engagements for themselves. That can be done by prohibiting legal practitioners who for the time being are officers of the Society or members of its committee from accepting any paid professional engagements on its behalf. It is hardly desirable that appearance in pursuance of an engagement accepted by a lawyer while he was not an officers of the Society or a member of its committee of management should be penalised as proposed.

As regards legal practitioners who are appearing as such against a Society, I do not think there could be any two opinions about the desirability of debarring them from being officers of the Society or members of its Committee so long as they continue to appear against it.

In the light of the above, I desire to suggest the recasting of the proposed rule as follows:--

" 37 Any officer or member of the Committee of a Society who as a legal practitioner (i) appears against such Society or (ii) during his tenure office as such officer or member of the Committee, accepts otherwise than in an honorary capacity any engagement on behalf of such Society shall be deemed to have vacated his office or ceased to be on the Committee of such Society"."

Yours faithfully,

M P Soman Ichandra Ram

2207

M. P. SOMASEKHARA RAU, B.A., LL.B.
ADVOCATE
ಎಂ. ಪಿ. ಸೋಮಶೇಖರರಾವ್, ಬಿ.ಎ., ಎಲ್.ಎಲ್.ಬಿ.
ಅಡ್ವೋಕೇಟ್
Residence :
20, PUTTANNA ROAD, BASAVANGUDI

261, CHIKKAPET, BANGALORE CITY.
261, ಚಿಕ್ಕಪೇಟೆ, ಬೆಂಗಳೂರು ಸಿಟಿ.

GEN. & REVENUE SECTT. 19 DEC. 1941 AGRI. & FOREST BRANCH.

18th December 1941.

C.S. 17-41-14.

To

The Secretary to the Government of Mysore,
Government Secretaret,
BANGALORE.

GENERAL SECRETARY. 19 DEC. 1941

With reference to Notification No. AF1926 - C.S.17-41-6 dated 13-9-41 published in the Mysore Gazattee dated 13-9-41, I beg leave to point out that the proposed Rule 37 of the Co-operative Societies Rules would lead to certain difficulties. It is always advantageous for a Co-operative Society to entrust its legal work to some experienced lawyer who possesses a thorough knowledge of its working. It is open to a Society to select a competent lawyer who for the time being is not one of its officers and is not a member of its Committee. It is hardly unreasonable to expect honorary work in such cases. The proposed rule would prevent a lawyer who might have accepte a paid engagement from the Society while he was not an officer of the Society or its member of its Committee from entering its Committee of management merely because he could not discontinue appearing for the Society in fulfilment of such engagement. It could be hardly in the interests of the Societies that experienced members should be thus excluded from the Committee of management.

I concede that it is desirable that those responsible for the management of the Society should be prevented from creating professional engagements for themselves. That can be done by prohibiting legal practitioners who for the time being are -- officers of the Society or members of its Committee from accepting any paid professional engagements on its behalf. It is hardly desirable that appearance in pursuance of an engagement accepted by a lawyer while he was not an officer of the Society

23 or a member of its committee of management should be penalised as proposed.

As regards legal practitioners who are appearing as such against a Society, I do not think there could be any two opinions about the desirability of debarring them from being officers of the Society or members of its Committee so long as they continue to appear against it.

In the light of the above, I desire to suggest the recasting of the proposed rule as follows:--

" 37 Any officer of member of the Committee of a Society who as a legal practitioner (1) appears against such Society of (2) during his tenure office as such officer or member of the Committee, accepts otherwise than in an honorary capacity any engagement of behalf of such Society shall be deemed to have vacated his office or ceased to be on the Committee of such Society ".

Yours faithfully,

M. L. Sharma